

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**Metalcraft of Mayville, Inc.,
d/b/a Scag Power Equipment**

Plaintiff,

v.

Case No. _____

The Toro Company,

and

Exmark Manufacturing Co., Inc.,

Defendants.

DECLARATION OF JOHN L. CROWSON

I, John L. Crowson, declare and state as follows:

1. I am president of Scag Power Equipment ("Scag"), a division of Metalcraft of Mayville, Inc. ("Metalcraft"), the plaintiff in the above-captioned matter. I make this declaration based on my personal knowledge, and if called to testify as a witness in this action, I would testify substantially as follows.
2. As explained on Metalcraft's website (www.mtlcraft.com), Metalcraft was established in Mayville, Wisconsin in 1922 as the Peerless Traveling Goods Company with luggage as its principle product. Over time, the company's focus shifted to contract sheet metal fabrication. Today, Metalcraft employs over 500 factory and office personnel in two plants: the Mayville plant is over 400,000 square feet and the West Bend plant is about 230,000 square feet.


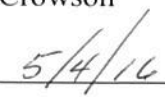
3. In 1986, Metalcraft purchased Scag, now one of the largest independent manufacturers of commercial mowing equipment in the world. Scag's innovation and quality is recognized throughout the industry. Metalcraft manufactures Scag mowers in both the Mayville and West Bend plants.
4. In 2010, Scag developed the technology disclosed and claimed in U.S. Patent 8,186,475, which is directed to a suspended operator platform. I am familiar with this technology.
5. Shortly after developing the technology, Scag commercialized the system, offering the suspended operator platform as a feature in its newly created Cheetah line consisting of lawnmowers with various sizes of cutting decks, i.e., 48", 52", 61" and 72".
6. As explained on Scag's website (www.scag.com), "[t]he entire operator platform (seat and foot plate) are suspended to deliver a smooth ride, with only three moving parts."
7. Since its introduction in 2010, the suspended operator platform has been a great success. Scag has sold about 15,000 Cheetah units, generating gross revenue of about \$30 million.
8. Scag sells its lawnmowers, including its Cheetah line to distributors who in turn sell to dealers. Scag estimates that there are around 1100 dealers in its network. Dealers typically carry products from multiple manufacturers, so it is not uncommon for Scag lawnmowers to compete head-to-head on the dealer floor with competitors' lawnmowers, including Toro and Exmark lawnmowers. I am familiar with Toro's

lawnmowers that feature the MyRIDE™ suspension system, and with Exmark's lawnmowers that feature a suspended operator platform.

9. Exmark announced a limited launch of its suspended operator platform in a July 1, 2015 press release, which is available on Exmark's website (www.exmark.com). A copy of the July 1, 2015 press release is attached as Exhibit A.
10. In a subsequent press release on October 21, 2015 (also available on Exmark's website), Exmark announced that it was expanding its suspended operator platform for 2016 to additional lawnmower models. A copy of the October 21, 2015 press release is attached as Exhibit B.
11. Exmark's website features a promotional video for its suspended operator platform, a copy of which is attached as Exhibit C.
12. Toro announced its MyRIDE™ suspension system in a November 2, 2015 press release that is available on Toro's website (www.toro.com). A copy of the November 2, 2015 press release is attached as Exhibit D.
13. Toro's website features a promotional video for its MyRIDE™ suspension system, a copy of which is attached as Exhibit E.
14. Prior to Toro's and Exmark's recent introduction of a suspended operator platform, Scag estimates that it had 100% of the market for riding lawnmowers with suspended operator platforms.
15. Scag was the first to market with its patented suspended platform technology, which is featured in Scag's Cheetah product line. Toro and Exmark have now entered the suspended platform market and are competing head-to-head with Scag for sales.

16. Having worked in the lawnmower industry for 30 years, my experience has been that customers tend to be brand loyal. Once a customer purchases a particular brand of lawnmower, that customer will tend to purchase the same brand of lawnmower for future purchases.
17. For every customer that purchases an infringing Toro or Exmark lawnmower, Scag is losing out on a potential lifetime, loyal customer, causing irreparable harm to Scag.
18. In my experience, given that Scag had the vast majority of the market for suspended operator's platforms in the commercial lawn mower market prior to Toro and Exmark's entry into the market, a customer's negative experience with a Toro or Exmark mower of this type would likely harm Scag's ability to sell the suspended operator platform. In my experience, customers who have a negative experience with a particular feature, such as a suspended operator platform, are unlikely to purchase a product with that feature in the future. Any negative experiences with a suspended operator platform deriving from the purchase of an infringing Toro or Exmark mower will cause irreparable harm to Scag.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


John L. Crowson

Date